

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$932,501.94 IN FUNDS SEIZED FROM
BBVA ACCOUNT ENDING IN 8653,

Defendant in rem.

NO.

UNITED STATES' COMPLAINT FOR FORFEITURE

The United States of America files this complaint *in rem* against \$932,501.94 in United States currency in BBVA account 6748368653, in the name of Bear Holding Group, Inc. (“the defendant property”), and in support states:

I. JURISDICTION AND VENUE

1. This court has subject matter jurisdiction of this cause of action *in rem* by virtue of the provisions of 28 U.S.C. §§ 1345 and 1355(a). Venue is proper under 28 U.S.C. § 1355(b)(1) because acts giving rise to the forfeiture occurred in this district.

2. The statutory basis for this suit is 18 U.S.C. § 981(a)(1)(C). Also applicable are 28 U.S.C. §§ 2461 and 2465, 18 U.S.C. §§ 983 and 985, and Supplemental Rule G.

II. LOCATION OF DEFENDANT PROPERTY

3. On December 2, 2021, the United States Secret Service sought a seizure warrant for the defendant property, and a warrant was issued that same date. The

defendant property is located in the United States Department of Treasury Suspense Account.

III. NOTICE AND POTENTIAL CLAIMANTS

4. The names and last known addresses of those individuals or entities reasonably appearing to the government to be potential claimants in this civil forfeiture complaint to the defendant property are:

Dalex Laboratories, LLC
1700 East Pioneer Pkwy
Suite 200
Arlington, TX 76010

Bear Holding Group, Inc.
41690 Ivy St.
Suite B
Murrieta, CA 92562

Notice of this civil forfeiture complaint will be provided to the above-listed individuals and/or entities.

IV. BASIS FOR FORFEITURE

5. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because it is property that constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1343 (wire fraud). The underlying facts involve a fraudulent scheme that resulted in the issuance of a financial institution wire transfer in the amount of \$1,365,000.00. The scheme began on or about August 14, 2020 when “N.E., Inc.”, contacted Dalex Laboratories, LLC located in Arlington, Texas, so that N.E., Inc. could purchase latex gloves, on behalf of the Texas Division of Emergency Management (“TDEM”) in San Antonio, Texas. On August 14, 2020, a purchase order was signed by

the parties where N.E., Inc. would purchase 100,000 boxes of Nitro Gloves from Dalex Laboratories for a price of \$1,365,000.00. Dalex Laboratories misrepresented to N.E., Inc. that: (1) the gloves were currently stored in a Texas warehouse; (2) the gloves could be shipped to TDEM in San Antonio, Texas almost immediately; and (3) the gloves were being “palatized” and being loaded onto trucks with a scheduled arrival date of August 20, 2020 at the TDEM warehouse in San Antonio, Texas. Dalex Laboratories did not have 100,000 boxes of latex gloves and did not ship the gloves. Based on the misrepresentations by Dalex Laboratories, N.E., Inc. executed a financial wire transfer in interstate commerce into Dalex Laboratories’ Metro City Bank account ending in 1678 in the amount of \$1,365,000.00. Subsequently, \$1,232,500.00 was transferred from this Metro City bank account to BBVA account ending in 8653. The defendant property was seized from this BBVA account. The defendant property, the \$932,501.54 in funds seized from BBVA account ending in 8653, are proceeds traceable from the fraudulent scheme. This is further shown by the Declaration in support of the United States’ Complaint for Forfeiture of United States Secret Service Senior Special Agent Jason Bollen, attached as Exhibit A, and filed in support of this Complaint. *See United States v. 2121 Kirby Drive*, No. H-06-3335, 2007 WL 3378353, at *3 (S.D. Tex. Nov. 13, 2007) (in determining sufficiency of a complaint, the court will look not only to the complaint itself, but to any affidavit or other attachment).

V. RELIEF SOUGHT

THEREFORE, the United States requests the following:

A. Publication of notice of this forfeiture action be made by posting notice on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, in accordance with Supplemental Rule G(4)(a)-(5).

B. Direct notice of this forfeiture action be given to those persons who reasonably appear to be potential claimants in accordance with Supplemental Rule G(4)(b)-(5).

C. All persons having any interest in or right against the defendant property be advised by the public notice or the direct notice to timely file in this court a verified claim identifying the interest or right to the defendant property as required by Supplemental Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A); and to file an answer to this Complaint for Forfeiture or motion under Fed. R. Civ. P. 12 in the manner required by the Supplemental Rule G(5)(b) and 18 U.S.C. § 983(a)(4)(B). Further, any person filing a verified claim of interest or right and/or an answer shall serve a copy on Dimitri N. Rocha, Assistant United States Attorney, 1100 Commerce Street, Suite 300, Dallas, Texas 75242.

D. At the conclusion of this proceeding, the defendant property be condemned by order and judgment of this court and declared and decreed to be forfeited to the United States of America in accordance with law.

E. All costs and expenses incurred by the United States in obtaining the forfeiture of the defendant property be appropriately taxed against any person or entity who may file a verified claim and answer herein, and/or if more than one person or entity

files a verified claim and answer herein be jointly taxed and prorated among them, as the court deems just and equitable.

F. The United States have such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

CHAD E. MEACHAM
UNITED STATES ATTORNEY

/s/ *Dimitri N. Rocha*

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ATTORNEYS FOR PLAINTIFF

VERIFICATION OF COMPLAINT

I, Jason Bollen, am a Senior Special Agent with the United States Secret Service, and I have been assigned to assist in the forfeiture of the defendant property. I have read the foregoing Complaint for Forfeiture and know its contents. The information contained in the Complaint for Forfeiture has been furnished from official government sources and based on my information and belief, the allegations contained in the Complaint are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 14, 2022



Jason Bollen
Senior Special Agent
United States Secret Service